

REMARKS

The office action of December 18, 2006, has been carefully considered.

It is noted that claims 1, 3 and 5 are rejected under 35 U.S.C. 103(a) over the patent to Schutz in view of DE 7341620.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) over Schutz and DE 7341620, and further in view of the patent application of Lucke.

In view of the Examiner's rejections of the claims, applicant has amended claim 1.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Schütz, this reference was discussed at length in the last filed amendment and those comments are incorporated herein by reference. The following additional comments are provided.

The plastic inner container of Schütz is not constructed as a multi-layer body, nor does Schütz teach that the inner container has sections comprised of an electrically conducting plastic material strips that extend across a side wall of the inner container. The Examiner's reference that these features can be found in Figs. 3 and 1 with the reference numeral 4 is incorrect since Schütz does not have a Fig. 3 and reference numeral 4 is the upper wall of the plastic inner container 2.

On the plastic inner container 2 of Schütz is a sheathing 18 made of an electrically conductive material in the form of a lattice basket or lattice hood 19 of thin metal wire. Further sheathing 18 of the plastic container 2 of the transport and storage container 1 can be a net or fabric of metal or electrically conductive plastic material, wherein the additional sheathing is wound around or pulled over the inner container 2.

Thus, contrary to the position taken by the Examiner, the plastic inner container of Schütz is not a multi-layer body, nor does the inner container have integral electrically conductive sections that form electrical connections between an inner surface and an outer surface of the inner container, as in the presently claimed invention. Furthermore, Schütz also does not

teach that the electrically conducting sections are strips of electrically conducting plastic having a thickness matching a wall thickness of the inner container.

DE 7341620 discloses a transport tank made of fiberglass reinforced reaction resistant resin material for storing flammable liquids. The tank shown in Figs. 1-3 of the reference has a cylindrical jacket part 1 made by a winding process, with glued on or laminated on plastic bottoms 2 and an electrically conductive manhole support 3. The cylindrical jacket part 1 and the bottoms 2 are transparent and contain a conductive grid 4 which at the contact positions of the jacket part and at the bottoms 2 are conductively connected through an electrically conductive laminate 5 on the outer side of the jacket and the bottoms. The manhole support 3 is conductively connected by the electrical conductor 6 or a different conductor with the laminate 5.

The cylindrically wound jacket part is made of a reaction resin, for example a matrix of unsaturated polyester resin and fiber reinforcements, for example glass fibers. According to the first position, the electrically conductive grid 4 is embedded to be spaced between 0.2 and 2 mm from the inner top surface by an

electrically conductive fleece 7 (Fig. 2). This conductive grid extends over by a few centimeters at the ends of the cylindrical jacket part 1. Further buildup of the cylindrical jacket follows with roving winding positions 8 alternating with flat fiber glass reinforcements 9. For electrical grounding of the jacket part 1, the protruding ends 4a of the grid 4 are bent over the upper side of the jacket so that there is an electrically conductive connection between the inner surface and the outer surface of the cylindrical jacket 1.

With the bottom 2, the conductive grid cannot protrude over the edge as with the jacket 1. Therefore, during manufacturing of the bottom 2 strips, between 1 and 40 cm wide, of conductive, bulky fleece, for example metal fleece, are arranged on the upper edge of the blank so that roughly half of the fleece 10 lies on the blank and the other half 10a, 10b protrudes over the edge. The conductive grid is laid in the blank and the protruding part of the fleece 10a, 10b is bent toward the inside of the container so that the conductive fleece lies directly on the grid 4. The grid 4 is subsequently coated by fiberglass or a glass mat 11 so that the grid is a maximum of 2 mm below the surface of the bottom 2. After completion the container can be ground on the edge without losing the conductivity of the grid.

The mounting of the bottom 2 and the cylindrical jacket 1 takes place so that the projecting grid 4a at the end of the jacket 1 is bent over and the bottom 2 is abutted against the edge of the jacket 1 and held by a conductive adhesive 12. A conductive laminate 5 binds the bottom and jacket. The surfaces covered by the laminate must be pre-roughened.

Similarly to the bottom construction, when constructing the cylindrical jacket 1, instead of the protruding electrically conductive grid 4a a bulky, conductive fleece can be arranged between the conductive fleece 7 on the inner side of the jacket 1 and the electrically conductive grid 4 according to Fig. 3, which fleece protrudes to the side. Before the last lamination the fleece 13a is folded over. Before the bottom 2 is glued or laminated to the cylindrical jacket 1 of the tank, the ends of the jacket are machined or ground. The further mounting of the bottom is carried out the same as the example in Fig. 2.

The plastic tank of the reference, which consists of a cylindrical jacket 1 and two bottoms 2 adhered thereto, has two electrically conductive strips 12 that form electrical connection between the inner surfaces and the outer surfaces of the jacket 1 and the bottoms 2, whereby the electrically conductive strips are

formed by an electrically conductive adhesive carried on the contact edges of the bottoms 2 for the purpose of adhering the contact edges of the jacket 2 to the contact edges of the bottoms 2.

An electrically conductive connection between the inner surface and the outer surface of the tank is additionally formed by the electrically conductive fleece 10, 10a, 10b laid over the contact edges of the bottoms 2 of the tank.

This method for producing the three-part plastic tank of the reference requires that: 1) the electrically conductive adhesive, which forms the electrically conductive strips 12, must be carried on the contact edges of both bottoms 2 pursuant to specific work steps; or 2) electrically conductive fleece 10, 10a, 10b must be laid on the contact edges of the bottoms 2 pursuant to specific work steps; and 3) the electrically conductive connection strips 12 of the fleece 10, 10a, 10b must be limited to two strips or fleeces on the two contact connections between the jacket 1 and the two bottoms 2 of the tank.

In contrast, with a one-piece blow-molded plastic inner container of the transport and storage container 1, a desired number of strips 24 of electrically conductive plastic material,

which electrically connect the inner surface 25 and the outer surface 26 of the inner container 2, can be provided in the side walls 3-6, the corner regions 28 between the side walls 3-6, the bottom 7 and the top 8 of the inner container 2 by an extrusion head and a blow forming machine in a continuous work process.

The invention recited in claim 1 requires embedding a desired number of strips of electrically conductive plastic material in the body of the inner container in order to provide an inner and outer electrical grounding of the inner container by an economical use of an expensive electrically conductive plastic material distributed over the side walls and/or the corner regions between the side walls of the inner container, and as needed over the upper and lower covers in order to form electrical connections between the inner surface and the outer surface of the inner container.

The type and manner of the electrical grounding of DE 7341620 and the type and manner of grounding in the presently claimed invention are completely different.

The Examiner combined these references in determining that claims 1, 3 and 5 would be unpatentable over such a combination.

Applicant respectfully submits that the combination of references does not teach the invention as recited in the claims presently on file.

In the present invention, as recited in claim 1, the inner container has a single-layer or multi-layer body, and has integral electrically conducting sections comprised of an electrically conducting plastic material, wherein the electrically conducting sections form electrical connections between an inner surface and an outer surface of the inner container. The electrically conducting sections are strips having a thickness matching a wall thickness of the inner container, and the electrically conducting strips extend across at least one of the sidewalls and/or the corner areas between the sidewalls of the inner container. Such a construction is not taught or suggested by the combination of references cited by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1, 3 and 5 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

The patent application of Lucke was also considered. It is

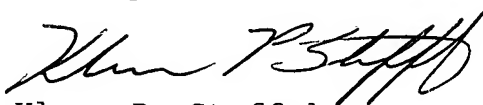
respectfully submitted that this reference adds nothing to the references discussed above so as to arrive at the presently claimed invention. Thus, it is respectfully submitted that the rejection of claims 7 and 8 under 35 U.S.C. 103(a) is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on May 18, 2007.

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